

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Thomas Flaschberger,

Petitioner,

vs.

ORDER

Warden R.L. Morrison,

Respondent.

Civ. No. 05-2965 (PAM/RLE)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. That the Petition for a Writ of Habeas Corpus, pursuant to Title 28 U.S.C. §2241 [Docket No. 1] is granted.
2. That the Respondent is directed to reconsider the date when Petitioner should be assigned to a CCC, in light of the criteria set forth in Title 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and .21.

BY THE COURT:

s/ Paul A. Magnuson
Judge Paul A. Magnuson

United States District Court

Dated: April 5, 2006
At St. Paul, Minnesota